

BILL NO. G-72-⁰⁵⁻³⁰~~04-18~~

GENERAL ORDINANCE NO. G- 08-72

An Ordinance amending Sections 3 through 5, each inclusive, of Chapter 35 of the Fort Wayne Municipal Code, pertaining to the control of weeds, noxious plants, and rank vegetation and transferring certain duties in connection therewith from the Police Department and Board of Public Works to the Board of Health and the Department of Public Parks.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Sections 3 through 6, inclusive of Chapter 35 of the Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended, is hereby amended to read as follows:

Section 3.

At least once during each of the months of May, June, July, August, September and October of each year it shall be the duty of every person to cut, and remove from any premises owned, leased or occupied by such person, weeds, noxious plants and/or rank vegetation.

Section 4.

It shall be a misdemeanor for any owner, lessee or occupant to fail to cut and remove from the premises weeds, noxious plants and/or rank vegetation. Upon conviction, any such owner, lessee or occupant shall be fined not less than \$10.00 nor more than \$300.00.

Section 5.

Upon request of the Board of Health, it shall be the duty of the Department of Public Parks to cut and remove all weeds, noxious plants and/or other rank vegetation in all cases in which the owner, lessee, or occupant of the premises neglects or refuses to do so, after being notified to do so by written notice delivered to such owner, lessee or occupant personally or left at his usual place of abode with some person of suitable age and discretion residing therein; or if there is no lessee or occupant, and if the identity and address of the owner may not be determined by inquiry in the neighborhood and is not otherwise known, then the Board of Health shall make a reasonable attempt to ascertain the identity and address of the owner by examination of the records in the City County Building including the City and Suburban Directories. Upon ascertaining the identity of such owner, the Board of Health may notify such owner as hereinabove provided or in the event such owner does not reside within the boundaries of the City of Fort Wayne, Indiana, he should be notified by registered or certified mail,

return receipt requested and received, provided that the return of such mail with a notation of the addressee's refusal to accept it shall be sufficient proof of receipt.

Section 6.

In cases in which such work is performed on property owned by the City, such work shall be performed at the expense of the City. In all other cases, the cost of such work shall be billed by the Department of Public Parks to the owner of the property together with \$1.00 as a fee for notification as hereinabove provided and such billing shall constitute a lien on such property until paid, provided that the City may foreclose on such lien for the collection of such cost at any time after 30 days from the date of first billing. The perfecting and foreclosure of said lien shall be accomplished in the same manner as the foreclosure of other liens in favor of the City created by ordinance.

SECTION 2. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid by any court, it shall be conclusively presumed that this Ordinance would have been passed by the common council without such invalid section, clause, sentence, paragraph, part or provision.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Eugene Kraus
Councilman

APPROVED AS TO FORM
AND LEGALITY,

Paul B. Lee
CITY ATTORNEY

Read the first time in full and on motion by Kraus seconded by

V. Rohmidt and duly adopted, read the second time by title and referred to the Committee on Regulation (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on the _____ day of _____ 19____, at _____ o'clock P.M., E.S.T.

Date: 5-23-72

Charles W. Distenfeld
CITY CLERK

Read the third time in full and on motion by Kraus

seconded by Stier and duly adopted, placed on its passage.

Passed (~~NOT~~) by the following vote:

AYES <u>8</u>	NAYS _____	ABSTAINED _____	ABSENT <u>1</u> to-wit:
Burns <u>✓</u>	_____	_____	_____
Hinga <u>✓</u>	_____	_____	_____
Kraus <u>✓</u>	_____	_____	_____
Nuckols _____	_____	_____	_____
Moses <u>✓</u>	_____	_____	_____
Schmidt, D. <u>✓</u>	_____	_____	_____
Schmidt, V. <u>✓</u>	_____	_____	_____
Stier <u>✓</u>	_____	_____	_____
Talarico <u>✓</u>	_____	_____	_____

Date June 13, 1972

Charles W. Distenfeld
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as (Zoning Map) (General) (~~Annexation~~) (~~Special~~) (~~Appropriation~~) Ordinance (~~Resolution~~) No. 8-08-72 on the 13th day of June, 1972.

ATTEST: (SEAL)

Charles W. Distenfeld
CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of June, 1972-at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Distenfeld
CITY CLERK

Approved and signed by me this 15th day of June, 1972

at the hour of 3:00 o'clock P.M., E.S.T.

Sam H. Reser
MAYOR

Bill No. G-72-05-30

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending Sections 3 through 5, each inclusive, of
Chapter 35 of the Fort Wayne Municipal Code, pertaining
to the control of weeds, noxious plants, and rank vegetation
and transferring certain duties in connection therewith
from the Police Department and Board of Public Works to the
Board of Health and the Department of Public Parks.

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

Eugene Kraus, Jr. - Chairman

James S. Stier - Vice - Chairman

William T. Hinga

Paul "Mike" Burns

Vivian G. Schmidt

Eugene Kraus, Jr.
James S. Stier
William T. Hinga
Vivian G. Schmidt

CONCURRED IN

DATE 6/3-72 CHARLES W. WESTERMAN, CITY CLERK